

Chapter 1439. Decision-Making Bodies and Officials.

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§ 1439-01. Purpose.

For the convenience of the user of the Cincinnati Zoning Code, this chapter lists the city decision-making bodies and officials that have responsibility for implementing and administering this code. Other city officials and departments also having specific responsibilities related to this code are identified in the appropriate sections of the Cincinnati Zoning Code. This chapter does not confer or limit any authority not otherwise granted or limited. The authority of the decision-making bodies is prescribed in the referenced documents.

§ 1439-03. Director of Community Development and Planning.

The Director of Community Development and Planning is appointed pursuant to Administrative Code Article XXV, § 2 and has the following powers and duties under Cincinnati Zoning Code:

- (a) **Administrative Duties.** The Director of Community Development and Planning administers the Department of Community Development and Planning.
- (b) **Staff to the City Planning Commission.** The Director of Community Development and Planning acts as staff to the City Planning Commission and provides professional guidance to the commission, including departmental reports on zoning applications decided by the Commission.
- (c) **Assistance to the Historic Conservation Board.** The Director of Community Development and Planning assists the Historic Conservation Board in the performance of its duties and provides administrative supervision to the staff of the Board.
- (d) **Planning Advice and Studies.** The Director of Community Development and Planning advises the Council and City Manager and other local officials on matters affecting the physical development of the city and prepares comprehensive plans, urban design plans, environmental studies and other plans and planning-related studies.

- (e) **District Boundary Lines.** The Director of Community Development and Planning is authorized to interpret the exact location of zoning district boundary lines in such a way as to carry out the intent and purpose of the Cincinnati Zoning Code and the Zoning Map for the particular section or district in question.

§ 1439-05. Director of Buildings and Inspections.

The Director of Buildings and Inspections is appointed pursuant to Administrative Code Article XXI, § 8 and has the following powers and duties under the Cincinnati Zoning Code:

- (a) **Administrative Duties.** The Director of Buildings and Inspections is authorized to administer and enforce the Cincinnati Zoning Code and to adopt such administrative rules as necessary to carry out these duties.
- (b) **Administrative Interpretations.** The Director of Buildings and Inspections is authorized to make administrative interpretations of the Cincinnati Zoning Code.
- (c) **Administrative Applications.** The Director of Buildings and Inspections is authorized to issue building permits and other administrative certificates and permits pursuant to Chapter 1441, Application Procedures, Fees, Permits and Certificates.

§ 1439-07. Zoning Hearing Examiner.

Pursuant to Chapter 1443, the Zoning Hearing Examiner conducts public hearings and makes decisions, subject to appeal to the Zoning Board of Appeals, on applications for:

- (a) Variances;
- (b) Special exceptions;
- (c) Conditional uses; and
- (d) Extension or substitution of nonconforming uses.

§ 1439-09. Historic Conservation Board.

The Historic Conservation Board is established pursuant to Article II, § 14 of the Administrative Code and has the following powers and duties under the Cincinnati Zoning Code:

- (a) To hear applications for designation of historic districts, structures or sites and to make recommendation to the City Planning Commission on designation applications. See § 1435-07.
- (b) To approve, conditionally approve or deny applications for Certificates of Appropriateness. See § 1435-13.
- (c) To assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within a designated historic district or site or involving a designated landmark. See § 1435-27.

§ 1439-11. Zoning Board of Appeals.

The Zoning Board of Appeals is established pursuant to Article XXI, § 9 of the Administrative Code and has the following powers and duties under the Cincinnati Zoning Code:

- (a) To hear and decide appeals from any order, decision, determination or interpretation made by the Director of Buildings and Inspections in the administration or the enforcement of this code, pursuant to the procedures and standards established in Chapter 1449, Zoning Board of Appeals.
- (b) To hear and decide appeals from any decision of the Zoning Hearing Examiner, pursuant to the procedures and standards established in Chapter 1449, Zoning Board of Appeals.
- (c) To hear and decide appeals from any decision of the Historic Conservation Board, except of appeals arising out of the grant or denial of a Certificate of Appropriateness that are heard by the Council. See § 1435-17.

§ 1439-13. City Planning Commission.

The City Planning Commission is established by Article VII, § 2 of the Charter, is authorized to make plans and maps of the city and carry out other planning functions pursuant to powers and duties granted under the Charter. The City Planning Commission also has the following duties under this code:

- (a) To review and approve, or report to Council reason for failure to approve amendments to the Cincinnati Zoning Code or the Zoning Map, pursuant to the Charter Article VII, § 6.
- (b) To approve, conditionally approve or deny Interim Development Control District permits, pursuant to the provisions of Chapter 1431, IDC Interim Development Control Overlay District.
- (c) To approve, conditionally approve or deny final development plans in Planned Development District applications, pursuant to the provisions of Chapter 1429, Planned Development District.

§ 1439-15. Council.

The Council has the following powers and duties under this Code:

- (a) To adopt amendments to the Cincinnati Zoning Code and the Zoning Map, pursuant to the Charter, following action by the City Planning Commission.
- (b) To hear and decide appeals from decisions of the Historic Conservation Board on certificates of appropriateness, pursuant to the provisions of Chapter 1435, Historic Landmarks and Historic District Overlay Districts.
- (c) To hear and decide appeals from decisions of the City Planning Commission on Interim Development Control District permits, pursuant to the provisions of Chapter 1431, Interim Development Control Overlay District.
- (d) To hear appeals arising out of the use of property owned or operated by the State of Ohio, Hamilton County, the City of Cincinnati, the Board of Education of the City School District of the City of Cincinnati, the University of Cincinnati or any agency of the state or its political subdivisions. See § 1449-01.
- (e) To hear appeals arising out of the grant or denial of any permit for the use of property as a correctional facility or as a community correctional facility. See § 1449-01.